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C O N F I D E N T I A L SECTION 01 OF 03 BEIRUT 000817

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TAGS: PGOV PREL LE

SUBJECT: LEBANON: MITRI MOVING AHEAD ON TRIBUNAL, NEW GOVERNMENT MAY HAVE TO "RE-AGREE" ON NATIONAL DECISIONS

Classified By: Ambassador Jeffrey D. Feltman. Reason: Sections 1.4 (b) and (d).

SUMMARY

¶1. (C) Acting Foreign Minister Mitri in a 6/4 meeting with A/S Silverberg and the Ambassador thanked the U.S. for its efforts to pass the tribunal and pledged quick Lebanese action to establish it. Mitri did not advocate expanding UNIFIL's mandate, but saw no obstacle to renewing the current mandate and improving border control through additional international assistance. Mitri is optimistic that the GOL will emerge stronger from the current conflict with Fatah al-Islam, and use that victory to hold the opposition to previous, nationally agreed policies. Looking ahead to a political solution, Mitri commented that March 14 is talking about whether and when to form a national unity government, but worried that a new government would have to "re-agree" on previous decisions regarding disarmament and relations with Syria. Finally, Mitri expressed frustration that he was pulled aside for secondary inspection during his entry and exit to the U.S., and asked us whether he had been "listed." End Summary.

PROGRESSING
ON TRIBUAL

¶2. (C) Minister of Culture and Acting Foreign Minister Tariq Mitri in a 6/4 meeting with A/S Silverberg and the Ambassador told us that his visit to New York had gone well, and expressed appreciation for the USUN's efforts to convince several states not to oppose the tribunal. The next challenge, A/S Silverberg reminded Mitri, will be to ensure quick Lebanese and UN action in forming the tribunal, by identifying prosecutors, international and Lebanese judges, and a venue. Mitri expressed frustration that SYG Ban had personally disengaged from the issue -- Ban referred Mitri to Nicolas Michel for all further contact on the tribunal --- and had discouraged Mitri's suggestion that UN staff commit themselves, along with the Lebanese, to a calendar or a sequential series of steps needed to get the tribunal up and running. Mitri was confident that even formation of a national unity government (NUG) would not prevent the Lebanese government from completing its preparations.

¶3. (C) Mitri preferred that the UN remain engaged on approaching various European capitals to discreetly find a venue for the tribunal; the Hague has already said that it is not willing to host, but Mitri praised Geneva and Stockholm

for the air of impartiality and neutrality they would impart to the tribunal. Mitri told us that the March 14 group has never formally discussed the venue for the tribunal, and expressed surprise that Walid Jumblatt over the weekend disparaged Cyprus as not secure. Mitri, in contrast, believes Cyprus's location is convenient, making it easy for judges to visit their families and for the prosecutors to bring witnesses. Cyprus also has a relatively good day-to-day security environment, Mitri commented, although he expressed concern about the activities of various active foreign intelligence services there.

¶4. (C) Mitri resisted A/S Silverberg's urging that the GOL announce its 12 candidates for the four Lebanese judge positions now, so that the Lebanese judges can be appointed at the same early date as the three international judges. Mitri argued that Lebanon should announce its candidates just a week ahead of the UN's selection in order to best provide security to the candidates; the UN has said it cannot protect candidates, only appointees, but the Lebanese will face security risks even if not chosen. Lebanon could provide a list of 12 names today, Mitri argued, but it will be hard to find competent candidates with integrity willing to face the security risks of serving on the tribunal. Mitri agreed to begin quietly testing the waters with candidates with the requisite qualifications currently in Lebanon and living overseas. It is not necessary to appoint a prosecutor general first, Mitri and Silverberg agreed, although he could begin work earlier than the judges.

UNIFIL EXTENSION
PREFERABLE TO EXPANSION

¶5. (C) Mitri did not believe it advisable to seek Lebanese
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support for expanding UNIFIL's mandate, although he sees no obstacle to renewing the current mandate for another year; even in a NUG, Hizballah would not oppose renewal. Fatah al-Islam's accusation on 6/3 that UNIFIL troops were fighting alongside the Lebanese army highlights the fact that Lebanon cannot ask UNIFIL to deploy north of the Litani River. The need of troop contributors such as Italy and France for constant reassurance by the Lebanese Armed Forces (LAF) is strange and calls into question the efficacy of UNIFIL; if the army was strong enough to protect the country it wouldn't need UNIFIL there in the first place. Any possible extension will have to involve serious discussions with the Italians, French, and others "who compete in their caution," Mitri joked.

¶6. (C) Mitri argued instead that it would less risky to control arms smuggling through other means, such as increasing bilateral assistance, sending more UN assessment missions, using sanctions and warnings against supplier nations, or extending the northern border pilot program. Lebanon is making efforts to control the border, Mitri argued, and instead of blaming Lebanon for not sealing the border the international community should use UNSCR 1701 to hold other states responsible for arms smuggling. He hoped that the UN border monitoring group's report would help the international community increase assistance.

RESTARTING DIALOGUE
ON PALESTINIAN ARMS

¶7. (C) Mitri is optimistic that the GOL and the army will emerge from the conflict with Fatah al-Islam (FAI) with greater credibility. He envisions the governing March 14 group to use a victory Nahr el-Barid to hold the opposition to implementation of nationally agreed points. First, Mitri tied the issue of FAI's well-armed battle with the LAF to the issue of smuggling. Where did more than 300 FAI fighters come from, and why are they better armed than the army, Mitri

asked? This bolsters the majority's case for better controlling the border. Second, an LAF victor will make it harder for the opposition to resist the agreed national dialogue objective of disarming Palestinians outside the camps. There can be no action to disarm the Palestinians without national consensus, Mitri noted.

HIZBALLAH BETWEEN
DAMASCUS AND TEHRAN

¶18. (C) Mitri observed an apparent split between Iranian and Syrian demands of Hizballah and wondered whether Hizballah will side with Syrian-supplied militants inside the camps or instead support the army to maintain its objectives of civil peace and strong public support. Hizballah has not expressed strong support for the army despite good relations between the two entities; the army has at times been closer to the opposition than to the majority, Mitri confided.

NATIONAL UNITY GOVERNMENT
WILL REQUIRE RE-AGREEMENT

¶19. (C) Looking ahead to a political solution, Mitri commented that the Syrians are looking for an excuse to form a second government, so the GOL can only hope that the opposition is now ready to accept the blocking minority that it wanted earlier. There are some preparations underway to establish a NUG, Mitri admitted gradually, including his own discussions with Siniora, and Berri's statement on June 4 that the opposition would accept either Siniora's resignation or a blocking minority. However, when Prime Minister Siniora hinted at a NUG on Saturday the opposition reacted by demanding that he resign. Mitri admitted that the Lebanese population and the Saudis and French are all urging him to form a NUG. He worried that Michel Aoun is "in presidential mode," and might not accept an offer of just 5-6 ministers.

¶10. (C) Mitri wondered how much time Lebanon has before Syria urges Lahoud to appoint a second government, and wondered out loud if March 14 could wait a little longer, at least until after the tribunal is officially created on June 10, and until the GOL has gained strength from a clear LAF victory in Nahr al-Barid. Lebanese politicians are greedy for even a few months, Mitri commented; but he acknowledged that moderate citizens who support the government have lost

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patience, while Hizballah and Aoun supporters remain adamant.

¶11. (C) Mitri commented that formation of a NUG would require the expanded GOL to "re-agree" on issues already agreed on, including the national dialogue commitment to disarm Palestinians outside the camps, the decision to delineate the border and establish diplomatic ties to Syria, and last summer's 7-point plan. Mitri hoped that once Aoun is inside the government his ministers might vote differently from Hizballah on some issues, which might create a different dynamic.

U.S. IMMIGRATION SECURITY

¶12. (C) On a personal note, Mitri expressed frustration at what he described as the disrespectful treatment he received when entering and exiting the United States for tribunal-related discussions the previous week. On his last few official trips to New York Mitri has been pulled aside after immigration officials swiped his diplomatic passport, prompting him to believe that he has been "listed" as suspect for some reason. This time, as he was departing for Beirut, he was pulled aside for a secondary search and treated so rudely by the TSA examiner that his Air France escort objected to TSA. (Comment: While we suspect the secondary search was related to Mitri's travel destination, we are not

aware of any reason that he should have been consistently pulled aside by immigration upon entry. The other Lebanese officials traveling with him were not pulled aside; he seemed particularly miffed, given that he outranks the others. We also wonder whether Mitri has inadvertently been "listed," and if so on what basis. End Comment.)

FELTMAN